

State of Utah
Administrative Rule Analysis

NOTICE OF PROPOSED RULE

- * The agency identified below in box 1 provides notice of proposed rule change pursuant to Utah Code Section 63G-3-301.
- * Please address questions regarding information on this notice to the agency.
- * The full text of all rule filings is published in the Utah State Bulletin unless excluded because of space constraints.
- * The full text of all rule filings may also be inspected at the Division of Administrative Rules.

DAR file no:		Date filed:	
State Admin Rule Filing Id:		Time filed:	
	Agency No.	Rule No.	Section No.
Utah Admin. Code Ref (R no.):	R 156	- 72	- 102
Changed to Admin. Code Ref. (R no.):	R	-	-

1.	Agency:	Commerce/Division of Occupational and Professional Licensing		
	Room no.:			
	Building:	Heber M. Wells Building		
	Street address 1:	160 East 300 South		
	Street address 2:			
	City, state, zip:	Salt Lake City UT 84111-2316		
	Mailing address 1:	PO Box 146741		
	Mailing address 2:			
	City, state, zip:	Salt Lake City UT 84114-6741		
	Contact person(s):			
	Name:	Phone:	Fax:	E-mail:
	April Ellis	801-530-6254	801-530-6511	aprilellis@utah.gov

(Interested persons may inspect this filing at the above address or at the Division of Administrative Rules during business hours)

2.	Title of rule or section (catchline):
	Definitions
3.	Type of notice:
	New ____; Amendment XXXX Repeal ____; Repeal and Reenact ____
4.	Purpose of the rule or reason for the change:
	The Division and Acupuncture Licensing Board reviewed the rule and determined the term "provision", as used in Subsection 58-72-102(4)(b)(ii), needs to be defined in the rule. Division note: The Division originally filed amendments to this rule section (R156-72-102) in DAR File No. 39267 which was published in the May 1, 2015 State Bulletin. However, the Division had inadvertently included the wrong rule text of R156-71-202 in its April 9, 2015 filing and the error was not noticed until the Division reviewed the May 1, 2015 State Bulletin. As a result of this error, a new filing with the correct rule number R156-72-102 and rule text for R156-72-102 are now being filed on May 4, 2015.
5.	This change is a response to comments from the Administrative Rules Review Committee.
	No XXX; Yes ____
6.	Summary of the rule or change:
	New paragraph (7) was added to define "provision" as used in Subsection 58-7-2-102(4)(b)(ii).
7.	Aggregate anticipated cost or savings to:
	A) State budget:

	Affected:	No ____; Yes XXX	
	The Division will incur minimal costs of approximately \$75.00 to print and distribute the rule once the proposed amendments are made effective. Any costs incurred will be absorbed in the Division's current budget.		
	B) Local government:		
	Affected:	No XXXX; Yes ____	
	The proposed amendment applies only to licensed acupuncturists. As a result, the proposed amendments do not apply to local governments.		
	C) Small businesses ("small business" means a business employing fewer than 50 persons):		
	Affected:	No XXXX; Yes ____	
	The proposed amendment applies only to licensed acupuncturists. Licensees may work in a small business; however, the proposed amendments would not directly affect the business.		
	D) Persons other than small businesses, businesses, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency):		
	Affected:	No XXX; Yes ____	
	The proposed amendment applies only to licensed acupuncturists. The Division anticipates the proposed amendment will not result in additional encumbrances for any party beyond what is currently identified by statute and rule.		
8.	Compliance costs for affected persons:		
	The proposed amendment applies only to licensed acupuncturists. The Division does not anticipate the proposed amendment will result in any increase in costs for those affected.		
9.	A) Comments by the department head on the fiscal impact the rule may have on businesses:		
	As stated in the rule analysis, this filing defines the term "provision" in order to clarify a statutory provision. No fiscal impact to businesses is anticipated.		
	B) Name and title of department head commenting on the fiscal impacts:		
	Francine A. Giani, Executive Director		
10.	This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws.		
	State code or constitution citations (required) (e.g., Section 63G-3-402; Subsection 63G-3-601(3); Article IV) :		
	Section 58-72-101	Subsection 58-1-106(1)(a)	
	Subsection 58-1-202(1)(a)		
11.	This rule adds, updates, or removes the following title of materials incorporated by references (a copy of materials incorporated by reference must be submitted to the Division of Administrative Rules; <i>if none, leave blank</i>):		
		First Incorporation	Second Incorporation
	Official Title of Materials Incorporated (from title page)		
	Publisher		
	Date Issued		
	Issue, or version		
	ISBN Number (optional)		
	ISSN Number (optional)		
	Cost of Incorporated Reference		
	Action: Adds, updates, or removes		
	(If this rule incorporates more than two items by reference, please attach additional pages)		

12.	The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)		
A) Comments will be accepted until 5:00 p.m. on (mm/dd/yyyy):		07/01/2015	
B) A public hearing (optional) will be held:			
On (mm/dd/yyyy):		At (hh:mm AM/PM):	At (place):
06/16/2015		9:00 AM	160 East 300 South, Conference Room 402, Salt Lake City, Utah
13.	This rule change may become effective on (mm/dd/yyyy):		07/08/2015
NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 12(A) above, the agency must submit a Notice of Effective Date to the Division of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.			
14.	Indexing information -- keywords (maximum of four, in lower case, except for acronyms (e.g., "GRAMA") or proper nouns (e.g., "Medicaid")); may not include the name of the agency:		
acupuncture		licensing	
15.	Attach an RTF document containing the text of this rule change (filename):		R156-72.pro
To the agency: Information requested on this form is required by Sections 63G-3-301, 302, 303, and 402. Incomplete forms will be returned to the agency for completion, possibly delaying publication in the <i>Utah State Bulletin</i> , and delaying the first possible effective date.			
AGENCY AUTHORIZATION			
Agency head or designee, and title:	Mark B. Steinagel, Director	Date (mm/dd/yyyy):	04/08/2015

R156. Commerce, Occupational and Professional Licensing.

R156-72. Acupuncture Licensing Act Rule.

R156-72-102. Definitions.

In addition to the definitions in Title 58, Chapters 1 and 72, as used in this rule:

(1) "Administration", as used in Subsection 58-72-102(4)(b)(ii), means the direct application of an herb, homeopathic, or supplement by ingestion, topical, inhalation, or acupoint injection therapy (AIT), to the body of a patient. Administration does not include: venous injections, immunizations, legend drugs and controlled substances.

(2) "Controlled substance" means a drug or substance as defined in Subsection 58-37-2(1)(f).

(3) "Legend drug" means a prescription drug as defined in Subsections 58-17b-102(30) and (61).

(4) "Insertion of acupuncture needles" means a procedure of acupuncture and oriental medicine which includes but is not limited to trigger point therapy, Ahshi points and dry needling techniques.

(5) "NCCAOM" means the National Commission for the Certification of Acupuncture and Oriental Medicine.

(6) "Modern research" means practicing according to acupuncture and oriental medicine training as recognized through NCCAOM.

(7) "Provision", as used in Subsection 58-72-102(4)(b)(ii), includes procurement of the substances listed in Subsection 58-72-102(4)(b)(ii).

KEY: acupuncture, licensing

Date of Enactment or Last Substantive Amendment: ~~[February 10, 2014]~~**2015**

Notice of Continuation: October 20, 2011

Authorizing, and Implemented or Interpreted Law: 58-72-101; 58-1-106(1)(a); 58-1-202(1)(a)